PTO/SB/05 (08-03)
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22387 U.S.PTO
10/682582
10/09/2003

# UTILITY PATENT APPLICATION TRANSMITTAL

*(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))*

| | |
|---|---|
| *Attorney Docket No.* | 00568-292385 |
| *First Inventor* | John Fitzgerald et al. |
| *Title* | Materials, Equipment and Methods for Manufacturing Cigarettes |
| *Express Mail Label No.* | EV 316 331 710 US |

## APPLICATION ELEMENTS

*See MPEP chapter 600 concerning utility patent application contents.*

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17) *(Submit an original and a duplicate for fee processing)*
2. ☐ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification [*Total Pages* 112 ] *(preferred arrangement set forth below)*
   - Descriptive title of the Invention
   - Cross Reference to Related Applications
   - Statement Regarding Fed sponsored R & D
   - Reference to sequence listing, a table, or a computer program listing appendix
   - Background of the Invention
   - Brief Summary of the Invention
   - Brief Description of the Drawings *( if filed)*
   - Detailed Description
   - Claim(s)
   - Abstract of the Disclosure
4. ☒ Drawing(s) (*35 U.S.C.113*) [*Total Sheets* 28 ]
5. Oath or Declaration [*Total Sheets* ]
   a. ☐ Newly executed (original or copy)
   b. ☐ Copy from a prior application (37 CFR 1.63 (d)) *(for a continuation/divisional with Box 18 completed)*
      i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

*ADDRESS TO:* **Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
   a. ☐ Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. ☐ CD-ROM or CD-R (2 copies); or
      ii. ☐ Paper
   c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. 3.73(b) Statement ☐ Power of Attorney *(when there is an assignee)*
11. ☐ English Translation Document *(if applicable)*
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ ~~Preliminary Amendment~~
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Transmittal Under 37 CFR 1.41(c) -Check # 343672 In amount of $914.00

18. If a CONTINUING APPLICATION, *check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:*

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: ____ / ____

*Prior application information:* *Examiner* ____ *Art Unit:* ____

**For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**

## 19. CORRESPONDENCE ADDRESS

☐ *Customer Number* [ ] OR ☒ *Correspondence address below*

| | | | | | |
|---|---|---|---|---|---|
| *Name* | J. Michael Boggs | | | | |
| *Address* | Kilpatrick Stockton LLP | | | | |
| | 1001 West Fourth Street | | | | |
| *City* | Winston-Salem | *State* | NC | *Zip Code* | 27101-2400 |
| *Country* | United States | *Telephone* | (3336) 747-7536 | *Fax* | (336) 734-2632 |

| | | | |
|---|---|---|---|
| *Name (Print/Type)* | J. Michael Boggs | *Registration No. (Attorney/Agent)* | 48,563 |
| *Signature* | J. Michael Boggs | *Date* | October 9, 2003 |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S.

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17638 U.S.PTO
10/09/03

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# FEE TRANSMITTAL for FY 2004

*Effective 10/01/2003. Patent fees are subject to annual revision.*

☐ Applicant claims small entity status. See 37 CFR 1.27

| TOTAL AMOUNT OF PAYMENT | ($) | 914 |
|---|---|---|

| *Complete if Known* | |
|---|---|
| Application Number | Express Mail Label EV 316 331 710 US |
| Filing Date | October 9, 2003 |
| First Named Inventor | John Fitzgerald, et al. |
| Examiner Name | Not yet assigned |
| Art Unit | Not yet assigned |
| Attorney Docket No. | 00568-292365 |

## METHOD OF PAYMENT *(check all that apply)*

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 16-1435

Deposit Account Name: Kilpatrick Stockton LLP

**The Director is authorized to:** *(check all that apply)*
☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee ($) | Small Entity Fee Code | Small Entity Fee ($) | Fee Description | Fee Paid |
|---|---|---|---|---|---|
| 1001 | 770 | 2001 | 385 | Utility filing fee | 770 |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) ($) 770

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | | Extra Claims | | Fee from below | | Fee Paid |
|---|---|---|---|---|---|---|---|
| Total Claims | 28 | -20 ** = | 8 | X | 18 | = | 144 |
| Independent Claims | 3 | -3 ** = | 0 | X | 0 | = | 0 |
| Multiple Dependent | | | | X | | = | 0 |

| Large Entity Fee Code | Large Entity Fee ($) | Small Entity Fee Code | Small Entity Fee ($) | Fee Description |
|---|---|---|---|---|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) ($) 144

**or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee ($) | Small Entity Fee Code | Small Entity Fee ($) | Fee Description | Fee Paid |
|---|---|---|---|---|---|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive – unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive – unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) ____ | | | | | |

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) ($) 0

## SUBMITTED BY

Complete *(if applicable)*

| Name (Print/Type) | J. Michael Boggs | Registration No. (Attorney/Agent) | 46,563 | Telephone | 336.747.7536 |
|---|---|---|---|---|---|
| Signature | J. Michael Boggs | | | Date | October 9, 2003 |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
*If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*

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## EXPRESS MAIL CERTIFICATE

| | | |
|---|---|---|
| "Express Mail" Label No. | : | EV 316 331 710 US |
| Serial No. | : | Applied For |
| Applicant(s) | : | John Fitzgerald et al. |
| Filing Date | : | October 9, 2003 |
| Title: | : | MATERIALS, EQUIPMENT AND METHODS FOR MANUFACTURING CIGARETTES |
| Examiner | : | Unassigned |
| Group Art Unit | : | Unassigned |
| Type of Document(s) | : | Utility Patent Application Transmittal<br>Fee Transmittal (in duplicate)<br>Check #343672 for $914.00 – Filing Fee for Utility Patent Application for Large Entity with Extra Claims<br>Nonpublication Request under 35 USC 122a(b)(2)(B)(i)<br>Transmittal of Application under 37 CFR 1.41(c)<br>Specification: 112 Pages<br>Drawings: 28 Sheets; Figures 1 - 30<br>Return Postcard |

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Assistant Commissioner for Patents, Mail Stop Patent Application, P. O. Box 1450, Alexandria, VA 22313-1450.

Emily Guida (signature)
Emily Guida

Date of Deposit: October 9, 2003
00568-292385
WINLIB01:1034880.1

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EV 316 331 710 US
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

| | | |
|---|---|---|
| Applicants | : | John Fitzgerald |
| Serial No. | : | To Be Assigned |
| Filing Date | : | Applied For Herewith |
| For | : | Materials, Equipment and Methods for Manufacturing Cigarettes |

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Mail Stop: Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF APPLICATION UNDER 37 CFR 1.41(c)**

Dear Sir:

The undersigned attorney hereby makes the above-identified application for U.S. Letters Patent on behalf of the following Applicants:

John Fitzgerald;
Robert Leslie Oglesby.

Please address all correspondence and direct all telephone calls in connection with this application to: J. Michael Boggs, Esq., Kilpatrick Stockton LLP, 1001 West Fourth Street, Winston-Salem, NC 27101-2400, (336) 747-7536 (phone), (336) 734-2632 (facsimile).

Respectfully submitted,

October 9, 2003
Date

J. Michael Boggs
Reg. No. 46,563

Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
(336) 747-7536 (voice)
(336) 734-2632 (facsimile)

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